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MEMORANDUM

To Joint Legislative Oversight Committee on Justice and Public Safety

From Douglas R. Holbrook
Principal Fiscal Analyst

Subject Domestic Violence Oversight Fact Sheet

Date November 10, 2011

This memorandum provides basic facts about the State's response to domestic violence as a criminal and civil justice matter as an introduction to more detailed presentations on funding for victims and offender programs.

Domestic violence is defined in General Statutes Chapter 50B-1. Domestic violence requires that the perpetrator and victim have or have had a "personal relationship." Such a relationship is defined in 50B-1(b) as

- 1) Current or former spouses;
- 2) Persons of the opposite sex who currently or formerly have lived together;
- 3) Parents and children;
- 4) Persons who share a child;
- 5) Persons who are current or former household members;
- 6) Persons of the opposite sex currently or formerly in a dating relationship.

People who suffer abuse in the context of a personal relationship are victims of domestic violence and have both criminal and civil remedies available to them. The initial civil remedy is colloquially called a "50B order." This is a civil protective order in which the District Court may take a variety of actions to assure that domestic abuse stops, ranging from directing the abuser to desist to awarding possession of the shared home to the victim and barring the abuser from the household. There is no cost to the victim to file for a protective order, and the defendant has ten days to respond to the filing. **In FY 2010-11, victims filed 33,947 motions for a protective order under G.S. 50B.**

Victims of domestic violence may also pursue criminal remedy by reporting the abuse to a law enforcement agency and complying with the criminal investigation process. Based on the law enforcement investigation, the purported abuser may be charged with any crime and prosecuted as provided in law. Legislation in 2005 required the Administrative Office of the Courts to add a field to the Automated Criminal Information System that flagged a charge based on whether it involved a personal relationship as defined in G.S. 50B-1(b). Based on this identifier, **in FY 2010-11, there were 57,164 criminal charges filed where there was an existing personal relationship.** One defendant may have

multiple charges and charges on different dates, so this number comes closer to representing incidents of domestic violence rather than individuals committing acts of domestic violence. Upon conviction of a domestic violence-related crime, the abuser will be supervised by the Department of Correction and may be required to participate in specific abuser treatment programs.

Both the State and federal governments appropriate funds annually to address the needs of domestic violence victims as well as programs for abusers. These funds are distributed through two mechanisms: the Governor's Crime Commission and the Council for Women. Both entities will present on their funding processes and the scope of services offered through their appropriation.